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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09,978,110	10/15/2001	Menno Heringa	01-48 US	3739

23693 7590 12/20/2002

Varian Inc.  
Legal Department  
3120 Hansen Way D-102  
Palo Alto, CA 94304

EXAMINER

MENON, KRISHNAN S

ART UNIT	PAPER NUMBER
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1723

5

DATE MAILED: 12/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/978,110

Applicant(s)

HERINGA ET AL

Examiner

Krishnan S Menon

Art Unit

1723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 08 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application)
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Priority*

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Netherlands on 10/13/00. It is noted, however, that applicant has not filed a certified copy of the Foreign application as required by 35 U.S.C. 119(b).

### *Specification*

The disclosure is objected to because of the following informalities: Spelling error, "alumina" instead of aluminum on page 4 line 21, page 3, line 14.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 14 recites the limitation "said winding" in line 1. There is insufficient antecedent basis for this limitation in the claim.

### *Claim Rejections - 35 USC § 102*

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country, or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 8, 10-12 and 14 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Rounbehler et al (US 5,808,178).

Rounbehler (178) teaches a carrier (120-fig 2-3) for chromatographic column assembly (110-fig 1) as in instant claim 1 with a connecting part to the column assembly (140-fig 2,3); the carrier is in the form of a strip (120-fig 3) as in instant claim 2 with apertures as in instant claim 3 (unmarked hole on top of 120-fig 3); a part to connect to further column assemblies (the holder 118-fig 3 can accommodate more than one column) as in instant claim 4; the carrier comprises metal as in instant claim 5 (col 3 lines 43-49); a part for mounting a column connector (200-fig 6,8; col 4 lines 14-21) as in instant claim 6; the carrier has a device for holding the column (holder 118-fig 3) as in instant claim 8; the carrier has a structure for winding the column (120-fig 2,3) as in instant claim 10 which includes one or more connectors for connecting to the carrier (125,145-fig 2,3) as in instant claim 11; has plurality of connecting bars (125-fig 2,3) forming connectors. The ring (125-fig 2,3) have hooks (140-fig 2-3) to connect to the holder (118-fig 2,3) as in instant claim 12.

Rounbehler (178) teaches a strip form (118) with slots 135 (fig 3) forming "clips" to hold ends of the chromatographic column as in instant claim 14.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

1. Claims 7,9,15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rounbehler (178) in view of Haas et al (US 6,454,939).

Rounbehler (178) teaches a strip form part for use with a winding structure of a chromatographic column as in instant claim 15 and 16, and all the elements of claims 7 and 9 as in claim 1 above, but is silent on displaying information as in instant claim 7 and 15 and the strip part containing indicia as in instant claim 9 and 16.

Haas (939) teaches such a strip with display information and measurement indicia and/or stencil for marking/measuring the TLC plates, for a thin-layer chromatographic system (see fig 2 and col 2 lines 40-45). It would be obvious to one of ordinary skill in the art at the time of invention to use the teaching of Haas (939) and provide display information and measurement indicia on the strip form parts of Rounbehler (178) for measuring insertion depth or column length like what is taught by Haas (939).

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### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Holtzclaw et al (US 5,005,399) and Ray (US 4,599,169) gives chromatographic column support details. German patent application G 86 26 875.9 shows a wire wound chromatographic support similar to the instant application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krishnan S Menon whose telephone number is 703-305-5999. The examiner can normally be reached on 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda L. Walker can be reached on 703-308-0457. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Krishnan S. Menon  
Patent Examiner  
December 16, 2002

  
W. L. WALKER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1723